

NH WATER WELL BOARD MINUTES

June 13, 2013

A meeting of the New Hampshire Water Well Board (“Board”) was held on June 13, 2013, in the Department of Environmental Services Building in rooms 112 and 113, 29 Hazen Drive, Concord, NH 03301.

Present were: Roger Skillings, Chairman
Brandon Kernen (for Mr. Rene Pelletier, Secretary)
Board Members: Stephen Smith, Steve Guercia, David Hunt, and Steven Garside
NH DES Staff: Richard Schofield and Michelle Robbins

Chairman Skillings brought the meeting to order at 9:30 AM.

Approval of Minutes

Upon motion by Mr. Garside and seconded by Mr. Hunt, the Board voted to accept the Minutes of the February 14, 2013 meeting. Upon motion by Mr. Hunt and seconded by Mr. Guercia, the Board voted to accept the Minutes of the April 17, 2013 meeting.

Complaint – Rowley/Maple View Development LLC

The Board discussed a complaint James Rowley filed against Maple View Development LLC (MVD) for outstanding issues from a 2009 complaint. *At the Board’s January 13, 2010 meeting the Board found:*

- 1) The Rowley well was not constructed by a licensed water well contractor, and the well was not constructed under the direct supervision of a licensed water well contractor;*
- 2) A well completion report was not filed as required by law; and*
- 3) Maple View Development was responsible for the well.*

The Board determined that the well must be decommissioned and a new well constructed under the direct supervision of a licensed water well contractor.

Mr. Rowley appeared before the Board explaining MVD’s continued failure to replace his existing well.

Mr. Schofield reported that he had spoken with Scott Bussiere of Maple View Development LLC about the complaint on two occasions prior to the meeting and Mr. Bussiere said he was willing to provide Mr. Rowley with a new dug well as he had agreed upon with the Board. It was decided to wait until July until the ground dried out enough to construct the well. Mr. Schofield also reported he had spoken with Rick Patenaude of Contoocook Artesian Well Co and Mr. Patenaude agreed to provide oversight for the well construction.

Upon motion by Mr. Guercia and seconded by Mr. Smith, the Board voted for staff to conduct a site visit of Mr. Rowley’s property on August 1, 2013. If, by August 1, 2013, Maple View Development LLC fails to have a new well installed and have a licensed water well contractor file a well completion report, the Board will refer the matter to the Attorney General’s Office for enforcement of RSA 482-B.

Request for Exemption - Clearwater Artesian Well Co

Bruce Morgridge of Clearwater Artesian Well Co appeared before the Board to discuss the request for exemption of We 602.06(h), to be able to grout in place a Jaswell seal to a depth of 45 feet as an additional protection measure for a new well. The well was constructed less than 75 feet from the property line, which by code requires a minimum of 40 feet of casing grouted in place, however due to an oversight, the original construction only included 20 feet of casing with a drive shoe seal.

Mr. Schofield explained that DES had considered all of the options available to remedy the violation including decommissioning the existing well and drilling a new well. However, given the size of the lot the new well would need to be drilled very close to the existing well, which had a reported yield of 60 gallons per minute at 384 feet. DES was concerned that grouting the existing well may damage the water supply for the home. The Board concurred.

Upon motion by Mr. Smith and seconded by Mr. Hunt, the Board voted to require a camera survey of the well down to 45 feet. If the survey reveals competent bedrock to a depth of 45 feet and a good drive shoe seal, no further action is required. If water is observed entering the well below the casing to the 45 foot depth, Clearwater Artesian Well Co is granted an exemption of We 602.06(h) to install a Jaswell seal to 45 feet and grout the casing annulus.

Reporting – Great Works and Test Boring, Inc.

Great Works and Test Boring, Inc. (Great Works) was requested to appear before the Board to explain why well completion reports for five test wells constructed for Merrimack Village District in 2008 were not reported to the Board.

Mr. Schofield reviewed DES efforts to obtain the reports including a Letter of Deficiency issued on November 2, 2012, a failure to comply letter sent on November 28, 2012, two reminder letters dated January 3, 2013 and February 15, 2013, and telephone calls made on March 29 and April 8, 2013. DES received a letter from Great Works on November 3, 2012 stating the reports would be submitted within 10 days, however the reports were not submitted and no further correspondence has been received.

Mr. Dionne did not attend the meeting.

Upon motion by Mr. Hunt, and seconded by Mr. Smith, the Board voted to schedule an administrative hearing for its next meeting to give Mr. Dionne the opportunity to show cause why his water well contractor license should not be suspended, or revoked, for failure to comply with the provisions of RSA 482-B and the rules adopted by the Board, and refusal to file reports as required by RSA 482-B:10.

Licensing**Continuing Education**

Mr. Schofield informed the Board of a June 28, 2013 training seminar being offered by R.E. Prescott Co.

Terry Swain in attendance at the meeting, suggested that the Board consider clarifying the rules for continuing education by developing a table of how points can be obtained, and also further define what is considered acceptable continuing education. Consideration might be given to attendance at Board meeting or other similar meetings, such as state sub-committee meetings.

The Board agreed to establish a study committee to report back to the Board with recommendations. Steve Guercia, Terry Swain, and Steve Garside volunteered for the committee.

Temporary Wells

Mr. Schofield informed the Board that the program received two inquiries this year regarding the requirement for licensure for the installation of temporary wells associated with direct sensing methods for subsurface investigations. Based on a ruling made by the Board in 1996 temporary wells were exempt from licensing. The Board reviewed and discussed the statutory definition of “well” and agreed a license is required in relation to direct sensing methods, including cased or uncased direct push holes, whether temporary or permanent, installed to observe, sample or withdraw groundwater. The Board also agreed that the statutory definition of “well” included cased or uncased borings.

License Applicants

There were no new license applicants.

Administrative Rules

Pump Depth Settings

The Board reviewed the maximum pump depth setting recommendations for various polyethylene pipe manufacturers and the depth settings approved by the Board in 2007 based on a 54 degree ambient groundwater temperature. After a thorough discussion the Board decided to keep the depth settings the same.

Private Session

Upon motion by Mr. Smith, and second by Mr. Guercia, the Board voted to go into a non-meeting status to receive advice from legal counsel.

Old Business

SB189-FN

Mr. Schofield advised the Board that SB189-FN passed the House with amendment and will go to a committee of conference to work out any remaining issues.

Other

The Board continued the discussion on electronic reporting and agreed to move forward on a voluntary basis for one year, and to talk to the NH Water Well Association about the possibility of going to a mandatory system of electronic reporting in the future.

New Business**Septic Tanks**

Robert Tardif, Administrator, Subsurface Systems Bureau attended the meeting to discuss the definition of a “sealed” septic tank as it applies to Env-Wq 1008 and Env-Wq 1010. Mr. Tardif explained to the Membership he is currently in the process of obtaining information from DES staff, manufacturers, designers and installers, members of the Board, and interested parties to determine the correct and appropriate definition of the term “sealed tank”. DES will make a final decision based on the information obtained and the Board will be informed immediately so it can send notice to licensed water well contractors as needed.

Annual Newsletter

Mr. Schofield asked the Membership for ideas for this year’s newsletter. Several topics were discussed.

Other

The Board agreed the Granite State Designers and Installers Association may review the Board’s draft administrative rules prior to initiating rulemaking.

Upon motion by Mr. Guercia, and seconded by Mr. Smith, the Board voted to adjourn the meeting.

Rene Pelletier
Water Well Board Secretary